IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 339 OF 2005

Ku. Vinodini Balaji Gawade
@ Smt. Lalita Shantaram Modak .. Petitioner

V/s

State of Maharashtra & Ors. .. Respondents

Mr.G.J. Sabnis for the Petitioner.

Mr.R.L. Tolat with H.R. Maryan i/b Vinod Mistry & Co. for Defendant No.3.

Other Respondents are served.

CORAM : H.L. GOKHALE & ABHAY S. OKA, JJ.

DATE : 27TH FEBRUARY 2006

P.C. :

1. Heard the counsel for the parties.

2. The Petitioner is a daughter of one Balaji Annaji Gawade and claims to have share in her father's property situated at Dahisar (East). It is her case that she has 1/6th share in the property and that the other claimants in that property are developing it under a SRA Scheme. The petition makes a grievance that the Petitioner had not given any authority to her relatives nor any consent was given for any such development and therefore this petition is filed for various reliefs, one of which is a direction to cancel the sanction of

the scheme. All these prayers will depend upon the Petitioner establishing that she has not given any such consent. Evidence will have to be led for that purpose and the share of the Petitioner as also the fact that she has not given it up in favour of anybody else will have to be established. The proper remedy is to file a suit. On establishing all these facts, subsequent prayers can be made. A writ petition is not a proper remedy. The Petitioner is therefore dismissed.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)